

MUNICIPAL MINUTES, CITY OF TUPELO
STATE OF MISSISSIPPI

AUGUST 20, 2013

Be it remembered that the regular meeting of the Tupelo City Council was held in the Council Chambers at the City Hall Building on Tuesday, August 20, 2013, at 6:00 p.m. with the following in attendance: Council Members Markel Whittington, Lynn Bryan, Jim Newell, Nettie Davis, Buddy Palmer, Mike Bryan and Willie Jennings; City Attorney John S. Hill; and Glenda Muse, Clerk of the Council.

The invocation was led by Rev. Don McCain, Pastor of St. Mark United Methodist Church, followed by the Pledge of Allegiance led by a group of girls representing the Tupelo Express, a girls' softball team.

IN THE MATTER OF CALLING THE MEETING TO ORDER

President Davis called the regular City Council meeting to order at 6:00 p.m.

IN THE MATTER OF CONFIRMATION OR
AMENDMENT OF AGENDA AND AGENDA ORDER

Upon a motion by Councilman M. Bryan, seconded by Councilman Palmer, the council voted unanimously to confirm the agenda and agenda order, amended as follows:

ADD: Study Item #8.1 – Ordinance Amending Code of Ordinances
On Flood Damage Prevention and Control
ADD: Executive Session

4. PROCLAMATIONS, RECOGNITIONS AND REPORTS AGENDA

IN THE MATTER OF RECOGNITION OF BOY/GIRL SCOUTS

No scouts were present for recognition.

IN THE MATTER OF RECOGNITION OF CITY EMPLOYEES

No city employees were present for recognition.

IN THE MATTER OF PUBLIC RECOGNITIONS

Mayor Shelton introduced the Tupelo Express, a girls' softball team, who had won the ASA, age ten and under, Southern National tournament in Tupelo. They had earlier led the Pledge of Allegiance at the beginning of the meeting. Coach Lehman was also present.

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Former Mayor Jack Reed, Jr., next appeared before the City Council and presented President Nettie Davis with a plaque in recognition of her election as the first woman and first African-American President of the Tupelo City Council. Mayor Reed praised her for her past achievements and contributions during the Civil Rights Movement in the 1960's, including sit-ins in Nashville, Tennessee, and even being jailed in one incidence. President Davis graciously accepted this honor and stated how proud she was to have achieved her goal of being elected City Council President.

IN THE MATTER OF MAYOR'S REPORT

Highlights of Mayor Shelton's report follow:

- (1) Announced that MDOT Commissioner Mike Tagert's office has allocated \$64,000 from a previous Transportation Grant which will go toward reducing the City of Tupelo's obligation in the widening project for East Main Street.
- (2) Mayor Shelton had spoken today at the First Baptist Church to encourage citizens to support the Healthy Teens for a Better Mississippi Program initiated by Governor Phil Bryant. The aim of this program is to join in the fight to reduce teen pregnancy rates in our area. He expressed appreciation to Christi Webb and all the staff at Family Resource Center and congratulated the Boys and Girls Club of Tupelo for four straight years of not having a teen pregnancy.
- (3) The Convention & Visitors Center had initiated a program to promote community spirit by giving High Fives! instead of a handshake. The project had received great publicity from the local, state and social media. Sarah Robinson is the communications director for the city, not just for the Mayor's office, and the Mayor encouraged the council members and department heads to contract her for any information they wish to pass on to others.
- (4) On Thursday, August 15, 2013, Mayor Shelton had attended the Meet the Wave and had opportunity to meet and talk with many of the athletes. He said he was very proud of the students, teachers and coaches. He encouraged everyone to give full support for the City-Wide Tailgate this Friday night at the Golden Wave Field before the first football game.
- (5) The Elvis Week which has just wrapped up was a tremendous success. A full week of events had been planned and guests from all over the world had visited Tupelo. The Mayor had also met with Mr. Henry Dodge and the staff at the Elvis Presley Birthplace concerning future projects and studying if any in-kind assistance could be provided by the City.

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- honor
said
- (6) Mayor Shelton had met with Mr. Michael Garriga, Government Relations Office of the Burlington Northern Santa Fe railroad in an attempt to gain more information regarding the “quiet zones” issue and stated he would continue to work with the council to develop a strategy for this situation.
 - (7) The annual furniture market has just finished and the Mayor had the to present the International Buyer’s Award to Hin-Gee Furniture. He he understood the market was a success and had more participation than in previous years.
 - (8) Mayor Shelton is appointing Mr. Paul Guzman to the Quality of Life Committee to replace himself as the representative of Ward Five. Councilman Buddy Palmer had made this recommendation of Mr. Guzman who is the President of the Presley Heights Neighborhood Association.

(President Davis closed the regular meeting and opened the Public Agenda.)

5. PUBLIC AGENDA

5.1 PUBLIC HEARINGS

5.1.A LISTING OF LOT MOWING OF PROPERTIES

Three individuals responded to the public hearing but the three properties had already been removed from the listing.

(President Davis closed the Public Agenda and the City Council returned to regular session.)

6. ACTION AGENDA

IN THE MATTER OF REVIEW/APPROVE NEW CITY OF TUPELO ZONING MAP

Upon a motion by Councilman Newell, seconded by Councilman Palmer, the council voted unanimously to table this item.

IN THE MATTER OF REVIEW/APPROVE RESOLUTION DIRECTING SALE AND AWARD OF GENERAL OBLIGATION BONDS IN PRINCIPAL AMOUNT OF \$3,000,000; AND REVIEW/APPROVE RESOLUTION APPROVING AND AUTHORIZING FORM OF, EXECUTION AND DISTRIBUTION OF AN OFFICIAL STATEMENT PERTAINING TO SAID BONDS

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Upon a motion by Councilman Whittington, seconded by Councilman L. Bryan, the council voted as follows to approve the following resolution:

RESOLUTION DIRECTING THE SALE AND AWARD OF GENERAL OBLIGATION BONDS, SERIES 2013 (THE "BONDS") OF THE CITY OF TUPELO, MISSISSIPPI, DATED SEPTEMBER 1, 2013, IN THE PRINCIPAL AMOUNT OF THREE MILLION DOLLARS (\$3,000,000); AND A RESOLUTION APPROVING AND AUTHORIZING THE FORM OF, EXECUTION AND DISTRIBUTION OF AN OFFICIAL STATEMENT PERTAINING TO BONDS

VOTING AYE: Whittington, L. Bryan, Davis, Palmer, Jennings
VOTING NAY: Newell, M. Bryan

An executed copy of the resolution is attached hereto and incorporated into these minutes as **APPENDIX A.**

7. ROUTINE AGENDA

IN THE MATTER OF REVIEW/APPROVE MINUTES OF REGULAR COUNCIL MEETING

Upon a motion by Councilman Newell, seconded by Councilman Jennings, the council voted unanimously to approve the minutes of the regular City Council meeting of Tuesday, August 6, 2013.

IN THE MATTER OF REVIEW/PAY BILLS

Upon a motion by Councilman Whittington, seconded by Councilman Jennings, the council voted unanimously to approve payment of the following checks, bills having been reviewed at 4:30 p.m. by Council Members Whittington, L. Bryan, Newell, Davis and Palmer:

Check Nos. 113399 through 113729
Electronic transfers as shown on the face of the docket.
Invoices as shown on the face of the docket.
Requests made by AFLAC to reimburse employees under Flex-One Plan
As shown on the face of the docket.

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IN THE MATTER OF REVIEW/APPROVE APPOINTMENT TO HISTORICAL PRESERVATION COMMISSION

Mayor Shelton had recommended Ms. Letitia Parham Horton to serve on the Historical Preservation Commission. The Historical Preservation Commission had voted unanimously for Ms. Horton's appointment to this Commission. Upon a motion by Councilman Whittington, seconded by Councilman Palmer, the council voted unanimously to approve this recommendation and appoint Ms. Horton to serve. A copy of her bio is attached to these minutes and incorporated herein as **APPENDIX B.**

IN THE MATTER OF REVIEW/APPROVE FY 2013 BUDGET REVISION #7

Upon a motion by Councilman Jennings, seconded by Councilman L. Bryan, the council voted unanimously to approve FY 2013 Budget Revision #7, a copy being attached to these minutes and incorporated herein as **APPENDIX C.**

IN THE MATTER OF REVIEW/APPROVE LIST OF LOT MOWINGS OF PROPERTIES

Councilman Whittington moved to approve a listing of lot mowings submitted by the Department of Development Services as being in such a state of uncleanness as to be a menace to public health, safety and welfare of the community, thereby authorizing the department to proceed with mowing of these properties. The motion was seconded by Councilman M. Bryan and unanimously passed by a vote of the council. A public hearing had been conducted earlier in the meeting. Three citizens had responded to the hearing, but each of their names had already been removed from the listing. A copy of the listing is attached hereto and incorporated into these minutes as **APPENDIX D.**

IN THE MATTER OF REVIEW/ACCEPT MINUTES OF PLANNING COMMITTEE MEETING

Councilman L. Bryan moved to accept the minutes of the Planning Committee meeting of August 3, 2013, and the motion was seconded by Councilman Palmer. Only one item had appeared for consideration at that meeting, that being the application on behalf of CarMax for a Major Conditional Use 13-04 to locate a used car dealership on Tom Watson Drive in the Barnes Crossing Overlay District. The site is located south of Fairfield Inn on property currently owned by the Bank of New Albany. The Tupelo Development Code requires a Major Conditional Use to locate a used car dealership in the Barnes Crossing Overlay District. An application had also been submitted by CarMax for a Variance 13-08 to allow 56 employee and customer parking spaces instead of the required 45 parking spaces.

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A lengthy discussion followed. Councilman Newell moved to suspend the rules to allow speakers from the audience to appear before the council; the motion was seconded by

Councilman Jennings and approved unanimously by a vote of the council. Mr. Hoyt Sheffield and Mr. Rudy Dossett, both car dealers located on South Gloster Street, spoke in objection to the motion. They both offered a history of the matter of locating used car lots in the Barnes Crossing Mall area, each having at one time attempted to build in that area but having been denied. Mr. Jim Newman, a former member of the Tupelo Planning Committee, spoke next concerning a request several years ago from the mall owners for an overlay district to be developed which banned certain types of businesses to be located in that area, including used car lots. Mr. Newman said there was much discussion about the overlay district and an agreement was reached that a used car lot could be located in the area provided the dealer sold new cars as well and it had worked very well. Mr. Sheffield again requested to offer a rebuttal to some of Mr. Newman's remarks and upon a motion by Councilman M. Bryan, seconded by Mr. Jennings, the council voted unanimously to suspend the rules and allow Mr. Sheffield to once again address the council.

B. J. Teal, Director of the Development Services Department, addressed the council to clarify two issues. CarMax had applied for a major conditional use for a used car dealership while the 1997 Development Code was still in effect. That code stated quite clearly that used car dealerships could locate in this area under a major conditional use. A new Development Code has been written after the Comprehensive Plan was approved in 2008 but has not yet been approved by the city council.

Councilman L. Bryan moved to suspend the rules to allow a representative of CarMax to speak. The motion was seconded by Councilman Palmer and unanimously passed by a vote of the council. Mr. John McNamara, Real Estate Manager of CarMax, came forward, stating he wanted to make himself available for any questions. Expected employment is twenty people with an investment of approximately \$5,000,000 in the project. To a question if they had applied for a tax abatement, Mr. McNamara said they had not. He said they had looked all over the city and ascertained that this was the best location for their business.

After more discussion of the issue by several council members, the council voted as follows on the original motion to accept the minutes of the Planning Committee meeting of August 5, 2013.

VOTING AYE: L. Bryan, N. Davis, B. Palmer
VOTING NAY: Whittington, Newell, M. Bryan, Jennings

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A copy of the Planning Committee minutes is attached hereto and incorporated into these minutes as **APPENDIX E.**

IN THE MATTER OF REVIEW/APPROVE REQUEST FOR NEIGHBORHOOD
GRANT FUNDS FOR BIKE SAFETY EVENT

Team Tupelo had submitted a request for a neighborhood grant in the amount of \$891.64 to cover expenses for a Bike Safety Event to be held during the “Touch a Truck” display at Ballard Park. Upon a motion by Councilman Jennings, seconded by Councilman Whittington, the council voted unanimously to approve this request for these grant funds.

IN THE MATTER OF REVIEW/APPROVE ABANDONMENT OF PUBLIC RIGHT-OF-WAY

A request had been received from the Link Centre that the city abandon Winfree Street, a public street that is no longer required for access to any other property. Previously a section of Stephen D. Lee was abandoned to Harrisburg Church, and some platted but unbuilt rights-of-way were abandoned when the property was transferred to Link Centre. Upon a motion by Councilman Whittington, seconded by Councilman M. Bryan, the council voted unanimously to grant this request and abandon Winfree Street as a public street. A copy of the location map of this property is attached to these minutes as **APPENDIX F.**

IN THE MATTER OF REVIEW/ACCEPT MINUTES OF TUPELO MAJOR THOROUGHFARE PROGRAM MINUTES

Upon a motion by Councilman L. Bryan, seconded by Councilman Jennings, the council voted unanimously to accept the minutes of the Tupelo Major Thoroughfare Program meeting of July 8, 2013, a copy being attached hereto as **APPENDIX G.**

IN THE MATTER OF REVIEW/APPROVE CHANGE ORDER NO. 3 FOR DEER PARK SUBDIVISION SEWER IMPROVEMENTS PROJECT

Upon a motion by Councilman Jennings, seconded by Councilman Palmer, the council voted unanimously to approve Change Order No. 3 for the Deer Park Subdivision Sewer Improvements Project representing a deduction in the contract total of \$38,413.99. Contract total now stands at \$635,016.01. By letter dated August 14, 2013, Johnny Timmons, Manager of the Tupelo Water and Light Department, advised he had reviewed this change order and found it to be correct. An executed copy of this Change Order No. 3 is attached hereto as **APPENDIX H.**

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IN THE MATTER OF REVIEW/APPROVE AGREEMENT FOR DRINKING WATER SYSTEMS IMPROVEMENTS REVOLVING LOAN FUND

Johnny Timmons, Manager of the Tupelo Water & Light Department, had submitted a request for approval of an agreement for a Drinking Water System Improvements Revolving Loan Fund (DWSIRLF) loan in the amount of \$3,448,382 for Annexed Areas – Water Improvements Project. Following is a description of this Project:

The expansion of the City of Tupelo's water service into newly annexed areas which includes distribution upgrades in the areas of Beech Springs, Natchez Trace Headquarters, Deer Park, Indian Hills and Auburn Road. A new elevated tank with associated appurtenances in Indian Hills will also be constructed.

Upon a motion by Councilman Whittington, seconded by Councilman Newell, the council voted unanimously to approve this agreement as requested by Mr. Timmons. A copy is attached to these minutes and incorporated herein as **APPENDIX I.**

IN THE MATTER OF REVIEW/AWARD/REJECT BID FOR SUPPLY OF HOT MIX

Upon a motion by Councilman L. Bryan and a second by Councilman Newell, the council voted unanimously to award the following bid as recommended by Sid Russell, Director of the Public Works Department:

1298PW Supply of Hot Mix: One vendor responded with a price of \$68.00 per ton for surface mix; \$66.00 per ton for binder mix and \$5.80 per ton for delivery cost.

A copy of the complete bid package is attached hereto as **APPENDIX J.**

IN THE MATTER OF REVIEW/APPROVE ESTIMATE/FEE PROPOSAL FOR ENGINEERING SERVICES RELATED TO DEVELOPMENT OF DOWNTOWN QUIET ZONES ALONG RAILROADS

This item was tabled at the May 21, 2013, council meeting and President Davis requested that it remain on the table at this time.

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8. STUDY AGENDA

IN THE MATTER OF REVIEW/DISCUSS ORDINANCE ON AMENDING THE CODE OF ORDINANCES ON FLOOD DAMAGE, PREVENTION AND CONTROL

At the request of Council Members Whittington and M. Bryan, this item will be moved to the next agenda.

9. EXECUTIVE SESSION

IN THE MATTER OF EXECUTIVE SESSION

Upon a motion by Councilman M. Bryan, seconded by Councilman Newell, the council voted unanimously to close the regular meeting to determine the need for an executive session.

Upon a motion by Councilman Newell and a second by Councilman Whittington, the council voted unanimously to go into executive session to discuss (1) Pending Litigation and (2) Discussion of Leasehold Agreement.

Upon a motion duly made and seconded, the council voted unanimously to close the executive session and return to the regular meeting with no action to be taken in open session.

IN THE MATTER OF ADJOURNMENT

There being no further business to come before the City Council, upon a motion by Councilman Newell, seconded by Councilman Palmer, the council voted unanimously to adjourn the regular meeting at 8:15 p.m.

ATTEST:

CLERK OF THE COUNCIL

PRESIDENT

APPROVED:

MAYOR